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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,171	08/16/2000	Yoshihiro Tsukamura	SON-1889	4002

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EXAMINER

HELSELTINE, RYAN J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,171

Applicant(s)

TSUKAMURA ET AL.

Examiner

Ryan J Hesseltine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 6, second and third paragraphs, filed June 18, 2003, with respect to objections to the specification and rejections under 35 U.S.C. Section 112, first paragraph have been fully considered and are persuasive. The objections and rejections of specification and the claims have been withdrawn.

2. Applicant's arguments, see page 8, last paragraph, filed June 18, 2003, with respect to the rejection(s) of claim(s) 1-4 under 35 U.S.C. Section 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Haneda et al. and Senior (see rejections below).

Claim Objections

3. Claim 4 is objected to because of the following informalities: line 6 of claim 4 states "storing said read history information in read *hysteresis* storing means..." (emphasis added). It is assumed that applicant intended this to be "read history storing means" in accordance with other amendments to the claims and specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Haneda et al. (USPN 6,490,366, newly cited), hereafter Haneda.

6. Regarding claims 1 and 4, Haneda discloses a fingerprint collating device and method for collating a user's fingerprint with registered fingerprint information to effect personal authentication (column 3, line 65-column 4, line 3), said device and method comprising: a fingerprint reader (6, 15) for reading said fingerprint to create read fingerprint information (column 4, line 50-column 5, line 2), and to create read history information (fingerprint storage flag 25-3) indicating that said read fingerprint information has been created (column 7, line 18-41); a read history storage (24) for storing said read history information (column 7, line 18-23); and a collator (23) collating said read fingerprint information with said registered (previously stored) fingerprint information (column 5, line 50-59) to effect personal authentication and output a result of authentication when said read history information is stored in said read history storage (column 7, line 36-52).

7. Regarding claim 3, Haneda discloses registered (previously stored) fingerprint information storage (24) for storing said registered fingerprint information, in which said collator effects said personal authentication by using said registered fingerprint information stored in said registered fingerprint information storage (column 5, line 50-55; column 7, line 6-14).

8. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Senior (USPN 6,400,836, newly cited).

9. Regarding claim 2, Senior discloses a fingerprint collating device for collating a user's fingerprint with registered fingerprint information to effect personal authentication (column 3, line 25-33), said device comprising: a fingerprint reader (130) for reading said fingerprint to

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create read fingerprint information (column 4, line 48-60), and to create read history information (status flag) indicating that said read fingerprint information has been created (column 8, line 52-65); a read history storage (dynamically accessible memory) for storing said read history information (column 7, line 38-45); and a collator (fingerprint recognition system) collating (comparing) said read fingerprint information with said registered fingerprint (stored model) information (column 8, line 37-40) to effect personal authentication and output a result of authentication when said read history information is stored in said read history storage (column 8, line 52-65) as set forth in claim 1. Senior further discloses that said collator effects said personal authentication by using said registered fingerprint information (fingerprint database) supplied from an external storage medium (removable smart card or other data storage device; column 10, line 12-16) as set forth in claim 2.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,195,447 to Ross discloses a system and method for fingerprint data verification including determining if the fingerprint is counterfeit. USPN 5,180,901 to Hiramatsu discloses an IC card with individual authentication function including determining if the finger is real or fake based on color change. USPN 5,903,225 to Schmitt et al. discloses an access control system including fingerprint sensor enrollment where an impedance characteristic of the finger is sensed to guard against spoofing. USPN 6,241,288 to Bergenek et al. discloses a fingerprint identification/verification system wherein fake fingerprints are detected by sensing dynamic changes of the fingerprint.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J Hesseltine whose telephone number is 703-306-4069.

The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

rjh
August 19, 2003


JINGGE WU
PRIMARY EXAMINER